



Crl.O.P.No.22322 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2022

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

**Crl.O.P.No.22322 of 2022**

S.Geetha

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
T-1, Ambattur Police Station,  
Tiruvallur, Tamil Nadu - 600 053.

(Crime No.573 of 2022)

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleased to enlarge the petitioner on bail, in Crime No.573 of 2022, pending  
investigation on the file of the respondent Police.

For Petitioner : Mr.R.Radha Pandian

For Respondent : Mr.A.Gokulakrishnan  
Additional Public Prosecutor



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## **ORDER**

The petitioner, who was arrested and remanded to judicial custody for the offences punishable under Sections 147, 148, 341 & 302 IPC, in Crime No.573 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the first accused's brother was murdered by the brother of the deceased and in order to wreak vengeance, the petitioner along with other accused conspired together and unlawfully assembled and waylaid the victim and cut him indiscriminately with knife, due to which, he died on the spot. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and since, she happens to be the mother of the fifth accused, she has been falsely implicated in this case. He would further submit that the name of the petitioner does not find place in the First Information Report and it has been included only after three days of occurrence, based on the confession of the other accused that she was stated to have been present at the scene of occurrence and conspired with the other



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accused for execution of the murder. He would further submit that there is no materials as against the petitioner, as if the petitioner has inflicted the injuries on the victim and there is no bad antecedents against the petitioner. The learned counsel continued that the petitioner is prepared to comply with any stringent conditions imposed by the Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is the mother of the fifth accused. He would further submit that the brother of A1 was murdered by the de-facto complainant's son and on retaliation, the petitioner along with the other accused conspired for the execution of committing murder of the victim and pursuant to which on 18.08.2022 at 14.30 hours, the accused had committed murder of victim by inflicting severe injuries with knife. He would also submit that the investigation is pending and there is no previous case against this petitioner. Hence, he vehemently opposed to grant bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned learned Additional Public Prosecutor for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and considering the petitioner being lady and no overt act has been attributed as against the petitioner and she has been included only based on the confession of the co- accused and also taking note of the fact that the allegation against her is that she has given rupees two thousand to the main accused, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Ambathur**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



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**[b] the petitioner shall stay at Dindigul and report before the Inspector of police, Vendasandur Police Station everyday at 10.30 a.m., until further orders;**

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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To

1. The Judicial Magistrate,  
Ambathur.
2. The Inspector of Police,  
T-1, Ambattur Police Station,  
Tiruvallur District - 600 053.
3. The Central Prison for Women,  
Puzhal, Chennai.
4. The Inspector of Police,  
Vedasandur Police Station,  
Dindigul.
5. The Public Prosecutor,  
High Court of Madras.



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**A.D.JAGADISH CHANDIRA., J.**

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